

DEC 13 2006

REMARKS

Applicants and the undersigned wish to thank the Examiner for the time and effort accorded this application. Claims 1-17 are pending in this application. No amendments to the claims are submitted at this time. Applicants would like to draw the Examiner's attention to the fact that the present Application and U.S. Patent No. 6,780,939 were, at the time the invention was made, under obligation to be assigned or assigned to Bayer, Inc. and are currently assigned to Lanxess, Inc.

Rejections under 35 U.S.C. 102

Claims 1-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,780,939 to Guerin et al, (hereinafter "Guerin").

The Examiner alleges that Guerin teaches a process for preparation of hydrogenated nitrile rubbers having the steps of reacting a nitrile, copolymerizable monomer, and ruthenium/osmium carbene catalyst. Applicants respectfully disagree.

Guerin fails to teach or suggest a process by which metathesis occurs in the absence of a co-olefin as recited in step a) of independent Claim 1, "reacting a nitrile rubber in the absence of any co-olefin". In particular, Guerin clearly states that "The metathesis reaction is carried out in the presence of a co-olefin", (column 5, lines 60-61), and refers to the nitrile rubbers as being "prepared by the olefin metathesis of nitrile butadiene rubber" (column 3, line 18). Accordingly, Guerin fails to teach or suggest each and every limitation of independent Claim 1 and fails to anticipate the currently claimed invention.

Claims 2-17 either directly or indirectly depend from and add further limitations to independent Claim 1 and are, respectfully, deemed allowable at least for the same reasons in combination with independent Claim 1. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

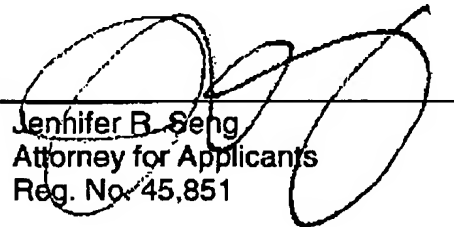
PO-8041

-8-

Applicants submit that Claims 1-17 are in condition for allowance and notice to such effect is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully submitted,

By



Jennifer B. Seng
Attorney for Applicants
Reg. No. 45,851

LANXESS Corporation
Law & Intellectual Property Department
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2234
FACSIMILE PHONE NUMBER:
(412) 809-1054

\\sr\S:\Law Shared\SHARED\JRS\PATENTS\8041\Response & Amendment 12-13-06.DOC

PO-8041

-9-